

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAYSEAN BARBER, and GUY  
COLLINS,

Plaintiffs,

vs.

SCOTT FRAKES, TAGGART BOYD,  
TED HILL, MIKI HOLLISTER,  
KRISTINA MILBURN, NATE  
SHWAB, DR. MARK LUKIN, DR.  
MEGAN FORD, BETTY GERGEN,  
JACQUE GOODING, AMY REZNEY,  
and ROBIN CHURCH,

Defendants.

**8:18CV410**

**MEMORANDUM  
AND ORDER**

This matter is before the court for case management. In the court's Memorandum and Order dated August 30, 2018, the court provided non-lead Plaintiff, Guy Collins ("Collins"), with an opportunity to "opt out" of this group litigation by so advising the court in writing. Collins was warned that failure to respond to the court's order would obligate him to pay the full filing fee and would result in his dismissal from this action for want of prosecution. (See [Filing No. 8](#).)

Collins did not respond to the court's order, despite having ample time to do so. As he was advised, he will be required to pay the \$350.00 filing fee for having initiated this action, and he will be dismissed from this case.

IT IS ORDERED that:

1. RaySean Barber is the only remaining plaintiff in this matter.

2. Collins is dismissed from this action without prejudice for want of prosecution and for failure to comply with an order from this court. Collins incurred the obligation to pay the \$350.00 filing fee for this action when he declined the opportunity to voluntarily withdraw from the case.

Dated this 12th day of October, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge